

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

AXEL GOMEZ

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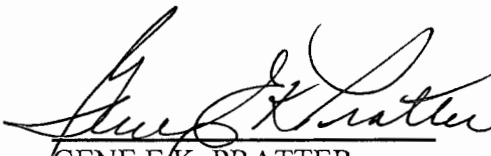
Criminal Action No. 10-321
Civil No. 16-219

ORDER

AND NOW, this 12th day of October, 2016, upon consideration of Petitioner Axel Gomez's Motion to Vacate, Set Aside, and Correct Sentence (Docket No. 142), the Government's Opposition (Docket No. 145), and Mr. Gomez's Reply (Docket No. 148) it is hereby **ORDERED** that:

1. Petitioner Axel Gomez's Motion to Vacate, Set Aside, and Correct Sentence is **DENIED** without an evidentiary hearing;
2. There is no probable cause to issue a certificate of appealability;¹
3. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:


GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). Because that is not the case here, a certificate of appealability will not issue.